

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BAYOU CITY WATERKEEPER	§	
Plaintiff	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 4:18-cv-03369
	§	
	§	
CITY OF HOUSTON	§	
Defendant	§	

**DEFENDANT CITY OF HOUSTON'S  
UNOPPOSED MOTION TO EXTEND DISCOVERY STAY**

Defendant City of Houston (the "City") requests that this Court extend the current stay of discovery an additional three months to January 31, 2020. Plaintiff Bayou City Waterkeeper does not oppose this request.

In its June 7, 2019 Order, this Court stayed discovery until October 31, 2019, because of the pending settlement in the related lawsuit filed against the City by the United States of America and the State of Texas: *United States v. City of Houston*, No. 4:18-CV-3368 (S.D. Tex.) (the "United States' Lawsuit").<sup>1</sup> This Court stated that "[a]fter October 31st, if a settlement is still not finalized and approved, the Court will consider a renewed motion to stay." *Id.*

The United States and Texas have formally lodged the Consent Decree containing the terms of the settlement in the United States' Lawsuit. Doc. 27. As part of the settlement-approval process in the United States' Lawsuit, the United States and the State of Texas have provided the required public notice and opportunity for public comment. 28 C.F.R. § 50.7; TEX. WATER CODE § 7.110. The United States published information regarding the settlement in the Federal Register on September 3, 2019, with the comment period concluding on October 3, 2019. 84 FED. REGISTER

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<sup>1</sup> See Doc. 26. The United States' Lawsuit was previously in Judge Werlein's court. On October 23, 2019, the United States' Lawsuit was transferred to Judge Eskridge's court. See Doc. 41 in the United States' Lawsuit.

46,049 (Sep. 3, 2019). On October 9, 2019, the United States extended the comment period to until November 8, 2019. 84 FED. REGISTER 54,181 (Oct. 9, 2019). After the comment periods close, the United States and Texas will evaluate any comments received and will then request Judge Eskridge “to take appropriate action regarding the Consent Decree.” *See* Doc. 40 in United States’ Lawsuit at 2. Because the public comment period for the settlement has been extended until after the expiration of this Court’s discovery stay, an extension of the discovery stay will ensure that the United States and the State have sufficient time to review and address comments regarding the settlement.

The City, therefore, requests that this Court extend the current stay on discovery an additional three months, which would be until January 31, 2020.

Respectfully submitted,

Of Counsel:  
Ronald C. Lewis  
City Attorney  
CITY OF HOUSTON LEGAL DEPARTMENT

Tiffany Bingham  
Senior Assistant City Attorney  
Texas Bar No. 1077536  
Southern District No. 24012287  
900 Bagby, 4th Floor  
Houston, Texas 77002  
Tel.: (832) 393-6445  
Fax: (832) 393-6259  
Tiffany.Bingham@houstontx.gov

/s/ Debra Tsuchiyama Baker  
Debra Tsuchiyama Baker  
*Attorney-in-Charge*  
Texas Bar No. 15089600  
Southern District No. 6943  
BAKER • WOTRING LLP  
700 JPMorgan Chase Tower  
600 Travis  
Houston, Texas 77002  
Tel. (713) 980-1700  
Fax (713) 980-1701  
dbaker@bakerwotring.com

Earnest W. Wotring  
Texas Bar No. 22012400  
Southern District No. 15284  
John Muir  
Texas Bar No. 14630477  
Southern District No. 9404  
David George  
Texas Bar No. 00793212  
Southern District No. 19330  
BAKER • WOTRING LLP  
700 JPMorgan Chase Tower  
600 Travis  
Houston, Texas 77002  
Tel. (713) 980-1700  
Fax (713) 980-1701  
ewotring@bakerwotring.com  
jmuir@bakerwotring.com  
dgeorge@bakerwotring.com

ATTORNEYS FOR DEFENDANT  
CITY OF HOUSTON

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2019, a copy of the above document was served on all counsel of record via the Court's electronic filing system.

David Frederick  
Eric Allmon  
Lauren Ice  
FREDERICK, PERALES, ALLMON & ROCKWELL PC  
1206 San Antonio Street  
Austin, Texas 78701  
dof@lf-lawfirm.com  
eallmon@lf-lawfirm.com  
lauren@lf-lawfirm.com

Kristen Schlemmer  
BAYOU CITY WATERKEEPER  
2010 N. Loop West, Suite 275  
Houston, Texas 77018  
kristen@bayoucitywaterkeeper.org

*/s/ Debra Tsuchiyama Baker*  
Debra Tsuchiyama Baker

**CERTIFICATE OF CONFERENCE**

I hereby certify that on October 31, 2019, I conferred with Plaintiff Bayou City Waterkeeper's counsel Lauren Ice, who informed me that Plaintiff Bayou City Waterkeeper does not oppose the Court granting the relief requested in this motion.

*/s/ David George*  
David George